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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,218

07/25/2006

Hartmut Schurg

51468

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10/18/2007

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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WASHINGTON,, DC 20036

EXAMINER

GARRETT, ERIKA P

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,218

Applicant(s)

SCHURG ET AL.

Examiner

Erika Garrett

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/25/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1, the phrase "pocket- like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

4. Regarding claim 7, the phrase "slot- like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

5. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Remedios (4,836,602). Remedios discloses the use of a aircraft passenger seat (10) with seat components such that a seat part and a backrest (12) with a support structure (15) which bears the backrest cushioning (figure 1), on the back of which there are a tray table (20) which can be folded up onto the back and which can be folded away into the position of use, and a pocket receptacle (25) for holding utensils, especially printed materials (C, G, P) and travel accessories, characterized in that the receptacle (14) is formed by a cavity which extends in the support structure (15) of the backrest (12) at least partially between the folded up tray table (20) and the backrest cushioning.

8. In regards to claim 2, wherein the cavity extends from the area of the top edge (figure 3) of the support structure (15) to the structure element (16) of the support structure, which structure element forms the bottom of the receptacle (14) and is located within the surface area of the folded up tray table (20).

9. In regards to claim 3, wherein the cavity for forming the main opening of the receptacle (14) in the area bordering the top edge of the support structure (15) is open toward the back.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 and 6 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Remedios in view of Donlan (WO 02/32268). Remedios further disclose a latch means (24) for fixing the tray table in the folded-up position, but fails to show the use of a plate that passes between the two side edges of the support.

12. Donlan teaches the use of a plate (24) that passes between the two side edges of the support.

13. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the seat components with a plate as taught by Donlan, in order to hold brochures or articles, etc.

14. Claim 5 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Remedios in view of Dixon (5,507,556). Remedios fails to show the use of a display screen can be integrated into the support structure.

15. Dixon teaches the use of a display screen (20) can be integrated into the support structure (figures 2-3 and 5).

16. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the seat components with a display screen as taught by Dixon, in order to provide entertainment to the user.

17. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remedios as applied to claims 1, 4 and 6 above, and further in view of Mason (345,710). Remedios fails to show the use of a slot, bottom-side opening of the receptacle and the receptacle has a lip which projects into the inside width of the bottom-side opening.

18. Mason teaches the use of a slot, bottom-side opening (figure 1) of the receptacle and the receptacle (the backside of the seat) has a lip (b) which projects into the inside width of the bottom-side opening (b).

19. It would have been obvious to one of ordinary skill in the art at the time of invention to modify seat with a opening and lip as taught by Mason, in order to hold books, magazines, papers, etc.

Conclusion

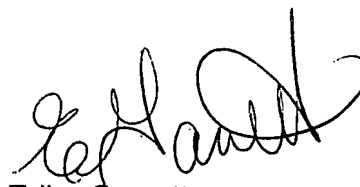
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to a passenger seat: U.S Pat. No. 6994401, 6494533, 3615118, and 4726621.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday 9:00 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Erika Garrett
Patent Examiner
Art Unit 3636

EG
October 14, 2007